

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v.-

MARTIN HANDLER, MENACHEM
LIEBERMAN, HAROLD SCHWARTZ,
ISIDORE HANDLER, and BEN
WERCZBERGER,

Defendants.

23 Crim. 4 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

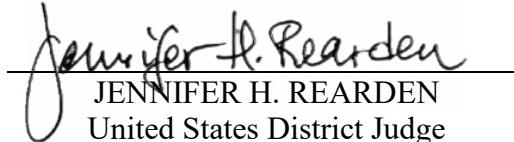
On January 18, 2023, Defendants moved, pursuant to Federal Rule of Criminal Procedure 41(g), for the return of their cell phones seized by the Government.¹ ECF No. 25. In connection with that motion, the parties are directed to file supplemental letters addressing the legal standard set forth in *Ferreira v. United States*, 354 F. Supp. 2d 406 (S.D.N.Y. 2005), and its application to Defendants' cell phones:

"To prevail on a Rule [41(g)] motion, a criminal defendant must demonstrate that (1) he is entitled to lawful possession of the seized property; (2) the property is not contraband; and (3) either the seizure was illegal or the government's need for the property as evidence has ended."

Id. at 409. The Government shall file its letter by February 3, 2023. Defendants Handler, Lieberman, Handler, and Werczberger shall file their letter by February 7, 2023. The parties' respective letters shall not exceed three single-spaced pages.

SO ORDERED.

Dated: February 1, 2023
New York, New York



JENNIFER H. REARDEN
United States District Judge

¹ Defendant Harold Schwartz is not a party to the motion.